

### **REMARKS**

Applicants respectfully requests entry of the amendments and remarks submitted herein. Claims 11 and 24 are currently amended, and claims 1-2, 10, 14-23 and 32 are canceled. Therefore, claims 3-9, 11-13, and 24-31 are currently pending.

Claim 24 has been amended to insert "at least one of the following . . . or" to form a Markush group. Claim 11 has been amended to depend from a currently pending claim.

#### **Rejections under 35 U.S.C. § 112, Second Paragraph**

The Examiner rejected claims 24-31 under 37 U.S.C § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner suggests amending claim 24 at line 3 to recite ". . . a chimeric adenovirus (Ad) fiber polypeptide comprising at least one of the following: a tail region, a shaft region or ~~and~~ a knob region" to clarify the claimed invention.

Applicant has amended claim 24 to insert the phrase "at least one of the following" and the word "or" to form a Markush group, thereby clarifying that the polynucleotide encoding a chimeric Ad fiber polypeptide encodes SEQ ID NO:1, encodes amino acids 46-188 of SEQ ID NO:1, encodes amino acids 189-371 of SEQ ID NO:1, encodes amino acids 1-45 of SEQ ID NO:1, encodes SEQ ID NO:12, encodes nucleotides 1-564 of SEQ ID NO:12, encodes nucleotides 1-135 of SEQ ID NO:12, or encodes nucleotides 136-564 of SEQ ID NO:12. Claims 25-31 depend either directly or indirectly from claim 24.

Applicant requests the withdrawal of this rejection.

#### **Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1, 14-21 and 32 under 37 U.S.C § 103(a) as being unpatentable over Kovesdi et al. (U.S. 6,998,263), Zabner et al. (Journal of Virology, 1999), Chillon et al. (Journal of Virology, 1995) and Davidoff et al. (Journal of Surgical Research, 1999).

Applicant has cancelled claims 1, 14-21 and 32, thereby rendering this rejection moot.

**Claim Objections**

Claim 11 is objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 11 has been amended to depend from claim 24. Applicant requests the withdrawal of this objection.

The Examiner objected to claims 3-9, 12 and 13 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim (claim 24) and any intervening claims. In view of the amendments to claim 24, Applicant requests the withdrawal of this objection.

**CONCLUSION**

The Examiner is invited to contact Applicant's Representative at the below-listed telephone number if there are any questions regarding this Response or if prosecution of this application may be assisted thereby. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3503. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account 50-3503.

Respectfully submitted,

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By their Representatives,

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Date: 30 August 2007

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